

retary shall take such action as may be necessary to insure that the universal cotton standards system and the licensing and inspection procedures for cotton warehouses are preserved and that the Government cotton classification system continues to operate so that the United States cotton crop is provided an official quality description.

(Pub. L. 97-35, title I, §156(d), Aug. 13, 1981, 95 Stat. 374.)

#### REFERENCES IN TEXT

The Cotton Standards Act, referred to in text, probably meaning the United States Cotton Standards Act, is act Mar. 4, 1923, ch. 288, 42 Stat. 1517, as amended, which is classified generally to this chapter. For complete classification of this Act to the Code, see section 51 of this title and Tables.

The Cotton Statistics and Estimates Act, referred to in text, is act Mar. 3, 1927, ch. 337, 44 Stat. 1372, as amended, which is classified generally to chapter 19 (§471 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

The United States Warehouse Act, referred to in text, is part C of act Aug. 11, 1916, ch. 313, 39 Stat. 486, as amended, which is classified generally to chapter 10 (§241 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 241 of this title and Tables.

#### CODIFICATION

Section was enacted as part of the Omnibus Budget Reconciliation Act of 1981, and not as part of the United States Cotton Standards Act which comprises this chapter.

#### EFFECTIVE DATE

Section 156(e) of Pub. L. 97-35 provided that: "The provisions of this section [enacting this section, amending sections 15b, 55, and 473a of this title, and enacting provision set out as a note under section 473a of this title] shall become effective October 1, 1981."

### § 62. Definitions

Wherever used in this chapter, (a) the word "person" imports the plural or the singular, as the case demands, and includes an individual, a partnership, a corporation, or two or more persons having a joint or common interest; (b) the word "commerce" means commerce between any State or the District of Columbia and any place outside thereof, or between points within the same State or the District of Columbia but through any place outside thereof, or within the District of Columbia; and (c) the word "cotton" means cotton of any variety produced within the continental United States, including linters.

(Mar. 4, 1923, ch. 288, §11, 42 Stat. 1519.)

#### CODIFICATION

Section is composed of the first sentence of section 11 of act Mar. 4, 1923. The remainder of section 11 is contained in section 63 of this title.

### § 63. Liability of principal for act of agent

When construing and enforcing the provisions of this chapter, the act, omission, or failure of any agent, officer, or other person acting for or employed by any person, within the scope of his employment or office, shall in every case be deemed also the act, omission, or failure of such person as well as that of such agent, officer, or other person.

(Mar. 4, 1923, ch. 288, §11, 42 Stat. 1519.)

#### CODIFICATION

Section is composed of the second sentence of section 11 of act Mar. 4, 1923. The first sentence of section 11 is contained in section 62 of this title.

### § 64. Appropriation for expenses; appointment by Secretary of officers and agents; compensation

There are authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for carrying out the provisions of this chapter; and the Secretary of Agriculture is authorized, within the limits of such appropriations, to appoint, remove, and fix the compensations of such officers and employees, not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, telegrams, telephones, law books, books of reference, periodicals, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to the administration of this chapter in the District of Columbia and elsewhere.

(Mar. 4, 1923, ch. 288, §12, 42 Stat. 1519.)

### § 65. Separability

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the chapter and the application of such provision to other persons and circumstances shall not be affected thereby.

(Mar. 4, 1923, ch. 288, §13, 42 Stat. 1520.)

## CHAPTER 3—GRAIN STANDARDS

Sec.

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|---------|--|
| 71.     | Short title.   |
| 72, 73. | Omitted.   |
| 74.     | Congressional findings and declaration of policy.  |
| 75.     | Definitions.   |
| 75a.    | Repealed.  |
| 75b.    | Omitted.   |
| 76.     | Standards and procedures; establishment, amendment, and revocation. <ul style="list-style-type: none"> <li>(a) Authority of Secretary.</li> <li>(b) Notice and opportunity for comment; standards regarding cleanliness of grain.</li> <li>(c) Grade determining factors related to physical soundness and purity; notice and opportunity for comment.</li> <li>(d) Moisture content criterion.</li> </ul> |
| 77.     | Official inspection and weighing requirements; waiver; supervision by representatives of Secretary. <ul style="list-style-type: none"> <li>(a) Official samples and certificates; waiver; excepted grains.</li> <li>(b) Supervision by representatives of Secretary.</li> <li>(c) Testing for aflatoxin contamination of corn shipped in foreign commerce.</li> </ul>                                      |
| 78.     | Use of official grade designations required; false or misleading grade designations for grain shipped out of the United States.  |
| 79.     | Official inspection. <ul style="list-style-type: none"> <li>(a) Grain required to be officially inspected.</li> <li>(b) Inspections made pursuant to request of interested persons.</li> </ul>   |

Sec.		Sec.	
	(c) Reinspections and appeals; cancellation of superseded certificates; sale of samples.	85.	Suspension, revocation, and refusal to renew licenses; hearing; grounds; temporary suspension.
	(d) Official certificates as evidence.	86.	Refusal of inspection and weighing services; civil penalties.
	(e) Official inspection at export port locations; delegation of authority to State agencies.		(a) Grounds for refusal of services.
	(f) Official inspections at other than export port locations; designation of agencies or persons to conduct official inspections.		(b) Persons responsibly connected with a business.
	(g) Termination, renewal, amendment, cancellation, and revocation of designations of official agencies.		(c) Civil penalties.
	(h) Official inspections at locations other than export port locations when designated official agencies are not available.		(d) Opportunity for hearing; temporary refusal without hearing pending final determination.
	(i) Official inspections in Canadian ports.	87.	(e) Collection and disposition of civil penalties.
	(j) Fees; establishment, amount, payment, etc.		Conflicts of interest.
79a.	Weighing authority.		(a) Prohibition with respect to persons licensed or authorized by Secretary to perform official functions.
	(a) Official weighing in accordance with prescribed regulations.		(b) Prohibition with respect to personnel of official or State agencies and business or governmental entities related to such agencies; substantial stock holder; use of official inspection service; authority delegation; report to Congressional committees.
	(b) Official weighing or supervision of weighing at grain elevators, warehouses, or other storage or handling facilities located other than at export elevators at export port locations.		(c) Official agencies or State agencies not prevented from engaging in business of weighing grain.
	(c) Personnel performing official weighing or supervision of weighing at locations at which official inspection is provided.	87a.	Records.
	(d) Official weighing in Canadian ports.		(a) Samples of grain.
	(e) Official weighing or supervision of weighing upon request of operators of grain elevators, warehouses, or other storage or handling facilities.		(b) Period of maintenance.
	(f) Demonstrated willingness of operators of grain elevators, warehouses, or other storage or handling facilities to meet equipment and personnel requirements.	87b.	(c) Access to records; audits.
	(g) Official certificates as evidence.	87c.	(d) Maintenance of records by persons or entities receiving official inspection or weighing services; access to records and facilities.
	(h) Weighing prohibited when not in accordance with prescribed procedures.	87d.	Prohibited acts.
	(i) Unauthorized weighing prohibited.	87e.	Criminal penalties.
	(j) Authority under United States Warehouse Act not limited.		Responsibility for acts of others.
	(k) Access to elevators, warehouses, or other storage or handling facilities.		General authorities.
	(l) Fees; establishment, amount, payment, etc.		(a) Authority of Secretary.
79b.	Testing of equipment.		(b) Investigation of reports or complaints of discrepancies and abuses in official inspection or weighing of grain.
	(a) Random and periodic testing at least annually; fees.		(c) Monitoring of United States grain upon its entry into foreign nations.
	(b) Personnel to conduct testing.		(d) Authority of Office of Investigation of Department of Agriculture.
	(c) Use of non-approved equipment prohibited.		(e) Research program to develop methods of improving accuracy and uniformity in grading grain.
79c.	Omitted.		(f) Adequate personnel to meet inspection and weighing requirements.
79d.	Limitation on administrative and supervisory costs.		(g) Testing of certain weighing equipment.
80 to 83.	Omitted.		(h) Testing of grain inspection instruments.
84.	Licensing of inspectors.		(i) Additional for fee services.
	(a) Authorization.		(j) Deposit of fees.
	(b) Duration of licenses; suspension; reinstatement.		(k) Official courtesies.
	(c) Examination of applicants; reexaminations.	87e-1.	Repealed.
	(d) Inspectors performing under contract not deemed Federal employees.	87f.	Enforcement provisions.
	(e) Hiring of official inspection personnel and supervisory personnel without regard to laws governing appointments to the competitive service.		(a) Subpena power.
	(f) Periodic rotation of personnel.	87f-1.	(b) Disobedience of subpena.
	(g) Recruitment, training, and supervision of personnel; work production standards; exemption for certain personnel.		(c) Court order requiring attendance and testimony of witnesses.
			(d) Fees and mileage costs of witnesses.
			(e) Violation of subpena as misdemeanor.
			(f), (g) Repealed.
			(h) District court jurisdiction.
			Registration requirements.
			(a) General requirement.
			(b) Required information.
			(c) Certificate of registration.
			(d) Suspension or registration of certificate of registration.
			(e) Fees.
		87f-2.	Reporting requirements.

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- (a) General requirements; annual report to Congressional committees.
- (b) Notification of Congressional committees of complaints regarding faulty grain deliveries and cancellation of export contracts.
- (c) Submission to Congressional committees of annual summary of complaints from foreign purchasers and prospective purchasers of grain.
- 87g. Relation to State and local laws; separability.
- 87h. Appropriations.
- 87i. Omitted.
- 87j. Advisory committee.
  - (a) Establishment; number and terms of members.
  - (b) Federal Advisory Committee Act as governing.
  - (c) Clerical assistance and staff personnel.
  - (d) Compensation and travel expenses.
  - (e) Expiration of Secretary's authority.
- 87k. Standardizing commercial inspections.
  - (a) Testing equipment.
  - (b) General inspection procedures.
  - (c) Inspection services and information.
  - (d) Standardized aflatoxin equipment and procedures.

## CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 420 of this title.

**§ 71. Short title**

This chapter may be cited as the “United States Grain Standards Act.”

(Aug. 11, 1916, ch. 313, pt. B, § 1, 39 Stat. 482; Pub. L. 90-487, § 1, Aug. 15, 1968, 82 Stat. 761.)

## CODIFICATION

This chapter constitutes part B of “An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, and for other purposes,” approved Aug. 11, 1916. Part A of act of Aug. 11, 1916, containing the “United States Cotton Futures Act,” was repealed by section 4 of act Feb. 10, 1939, ch. 2, 53 Stat. 1. Part C of that act contained the “United States Warehouse Act,” and is incorporated, as amended, as section 241 et seq. of this title.

Section is comprised of part of section 1 of part B of act Aug. 11, 1916. Other provisions contained in section 1 were classified to former sections 72 and 73 of this title.

## AMENDMENTS

1968—Pub. L. 90-487 substituted “may be cited as” for “shall be known by the short title of”.

## EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-487 effective 180 days after Aug. 15, 1968, see section 2 of Pub. L. 90-487, set out as a note under section 78 of this title.

## SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-472, § 1(a), Nov. 9, 2000, 114 Stat. 2058, provided that: “This Act [enacting sections 228d, 241 to 256, 918a, and 1726b of this title and section 1012 of Title 16, Conservation, amending sections 15b, 77, 79, 79a, 79b, 79d, 84, 87b, 87h, 87j, 229, 1622, 1736a, 1926, 2009d, 5101, 5102, and 5106 of this title and sections 1766 and 1786 of Title 42, The Public Health and Welfare, repealing section 87e-1 of this title, enacting provisions set out as notes under sections 79, 181, 241, and 1314e of this title and section 1786 of Title 42, amending provisions set out as notes under sections 74, 612c, and 1421 of this title, and repealing provisions set out as notes under sections

75a, 76, and 79 of this title] may be cited as the ‘Grain Standards and Warehouse Improvement Act of 2000’.”

## SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103-156, § 1(a), Nov. 24, 1993, 107 Stat. 1525, provided that: “This Act [amending sections 75 to 77, 79 to 79b, 79d, 84 to 87e, 87f, 87f-1, 87h, 87j, and 87k of this title, enacting provisions set out as a note under section 75 of this title, and repealing provisions set out as a note under section 79 of this title] may be cited as the ‘United States Grain Standards Act Amendments of 1993’.”

## SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-624, title XX, § 2001, Nov. 28, 1990, 104 Stat. 3928, provided that: “This title [enacting sections 75b, 87k, 1427-1, 1593a, and 1622a of this title, amending sections 74, 76, 77, 87b, 1423, and 1445e of this title, and enacting provisions set out as a note under section 76 of this title] may be cited as the ‘Grain Quality Incentives Act of 1990’.”

## SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-518, § 1, Oct. 24, 1988, 102 Stat. 2584, provided that: “This Act [enacting sections 79d and 87j of this title, amending sections 55, 79, 79a, and 87h of this title, and enacting provisions set out as notes under sections 79 and 1421 of this title] may be cited as the ‘United States Grain Standards Act Amendments of 1988’.”

## SHORT TITLE OF 1986 AMENDMENT

Pub. L. 99-641, title III, § 301, Nov. 10, 1986, 100 Stat. 3564, provided that: “This title [amending sections 74 and 87b of this title and enacting provisions set out as notes under sections 76 and 87b of this title] may be cited as the ‘Grain Quality Improvement Act of 1986’.”

## SHORT TITLE OF 1976 AMENDMENT

Section 1 of Pub. L. 94-582, Oct. 21, 1976, 90 Stat. 2867, provided: “That this Act [enacting sections 75a, 79a, 79b, 87e-1, 87f-1, and 87f-2 of this title, amending sections 74, 75, 76, 77, 78, 79, 84, 85, 86, 87, 87a, 87b, 87c, 87e, 87f, 87g, and 87h of this title, section 5316 of Title 5, Government Organization and Employees, and section 1114 of Title 18, Crimes and Criminal Procedure, and enacting provisions set out as notes under sections 74, 75a, 76, and 79 of this title] may be cited as the ‘United States Grain Standards Act of 1976’.”

**§§ 72, 73. Omitted**

## CODIFICATION

Sections were omitted in the general reorganization of this chapter by Pub. L. 90-487, § 1, Aug. 15, 1968, 82 Stat. 761.

Section 72, act Aug. 11, 1916, ch. 313, pt. B, § 1 (part), 39 Stat. 482, defined the words “person” and “in interstate or foreign commerce”. See section 75 of this title.

Section 73, act Aug. 11, 1916, ch. 313, pt. B, § 1 (part), 39 Stat. 482, made associations, partnerships, and corporations liable for the acts of their agents within the scope of their employment or office. See section 87d of this title.

**§ 74. Congressional findings and declaration of policy**

(a) Grain is an essential source of the world's total supply of human food and animal feed and is merchandised in interstate and foreign commerce. It is declared to be the policy of the Congress, for the promotion and protection of such commerce in the interests of producers, merchandisers, warehousemen, processors, and consumers of grain, and the general welfare of the people of the United States, to provide for the